



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

PETER L. PLUMMER
EXECUTIVE DIRECTOR

Memorandum

DATE: March 23, 2010

TO: Government Operations Committee

FROM: Peter L. Plummer
Executive Director
State Office of Administrative Hearings & Rules (SOAHR)

RE: HB 4988

Existing Ability of Standing Committee to Review Administrative Rules

- Standing Committees and House and Senate Special committee have the current ability to review administrative rules of constituent concern, constituent interest or otherwise of interest to the committee. Committees can request information from the promulgating department or agency.
- The Legislature, as part of its own preliminary review powers, has access to the Michigan Administrative Code by department or rule number. See **Attachments "D" and "E."** SOAHR can and will assist committees and staff at any time.
- The Legislature can currently suggest changes to an existing rule set under section 38 of the Michigan Administrative Procedures Act (APA), MCL 24.238, which provides:
 - "A person may request an agency to promulgate a rule. Within 90 days after the filing of a request, the agency shall initiate the processing of a rule or issue a concise written statement of its principal reasons for denial of the request. The denial of a request is not subject to judicial review."
 - Section 5 of the APA defines "person" to include governmental subdivisions.
- If the Legislature is not satisfied with a response provided under section 38, section 51 provides:

"If the committee, an appropriate standing committee, or a member of the legislature believes that a promulgated rule or any part thereof is unauthorized, is not within legislative intent, or is inexpedient, the committee or member may introduce a bill at regular session, or special session if

included in a governor's message, which in effect amends or rescinds the rule."

- Currently, as part of the department's Annual Regulatory Plan (ARP) submission required by the APA under section 53,
 - "each agency shall identify the rules it reasonably expects to process in the next year, the mandatory statutory rule authority it has not exercised, and rules it expects to rescind in the next year."
 - As part of its (ARP), SOAHR requests each agency to identify rules within their current rule sets that are obsolete. Since SOAHR's inception in March 2005, 831 rules have been rescinded.
 - The ARP is required to be distributed to JCAR and the standing committees by APA section 53.

Current Practice for Review of New Administrative Rules

- The current rule making process is summarized in **Attachment "A."**
 - Note that each step includes notification of the step being taken and usually includes sending a copy of the rule to JCAR who must send an electronic copy to the appropriate standing house and senate committees within one business day.
 - See APA sections 39, 39a, 42, 45, 49, 50 and 53.

HB 4988 Approach to Administrative Rule Review

- Each Agency's Annual Regulatory Plan, is electronically submitted to SOAHR, and shall
 - Identify ALL EXISTING RULES PROMULGATED BY THE AGENCY
 - Whether those rules should be continued, changed or rescinded
 - Considering the statutory and public policy purpose of those rules.
 - The rules it reasonably expects to process in the next year
 - The mandatory statutory rule authority it has not exercised, and
 - The rules it expects to rescind in the next year.
- Within 5 years after the effective date of any new rule after the new act or 4 years after this amendment for rules already in effect,
 - An agency and the appropriate standing committees of the senate and house of representatives having jurisdiction over the subject matter ,
 - Shall review each set of rules to determine whether there is an increased impact on small businesses since the effective date of those rules.
- After the first review under this subsection of new or existing rules,
 - The agency and the appropriate standing committees of the senate and the house of representatives having jurisdiction over the subject matter ,
 - Shall review rules on the 5 year anniversary of the initial review and every 5 years thereafter. The review shall state the following:

- a. The continued need for the rules
 - b. The nature of any complaints or comments received from the public concerning the rules.
 - c. The complexity of complying with the rules.
 - d. The extent to which the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.
 - e. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.
- Annual regulatory plans shall be electronically filed with SOAHR by July 1 each year.
- SOAHR shall electronically distribute each plan and review as usual and to the committee and members of the standing committees of the senate and house that deal with the subject matter of rules the agency may propose.

HB 4988 Impact on Administrative Rule Review

- Imposes a significant resource burden on standing committees and agencies involved.
 - The agency will have to list all its rules every year in its Annual Plan.
 - There are approximately 1,010 rule sets (a set may have one or hundreds of rules within a rule set).
 - The first year the committee and agency will have to review all the rules for adverse impact on small businesses.
 - On the anniversary year (year 4 or 5) the committee and the agency will have to review all the rules again for the five additional items listed in the bill. See HB 4988 Approach to Administrative Rule Review above.
 - The bill does not exempt any rules that may have been completely reviewed recently for other reasons (see Existing Ability of Standing Committee above) which risks substantial duplicative effort.
 - The bill fails to even the process out over the ensuing 4 or 5 year period thus creating an uneven substantial drain on committee and agency resources.
 - It would seem sensible to review the goal of the bill and develop a more refined system of identifying "problem" rules.
 - Once problem rules are identified, based on legislative interest or citizen concern, for example, develop a less resource intensive method of rule review each year of a portion of the identified rules to even out the burden of such an extensive review and analysis of rules that actually need attention.

Administrative Rules Process

Step in process	Legislative notification	Process
Legislation passes	✓	Legislation passed by Legislature; enacted into law by Governor.
Rule promulgation authority granted	✓	The law that is passed grants authority for departments/agencies to implement the statute by promulgating rules.
Request for Rulemaking (RFR)	✓	Requests to commence rulemaking can come from professional boards/commissions, the department, or the public. The department Regulatory Affairs Officer (RAO) sends an RFR electronically to the State Office of Administrative Hearings and Rules (SOAHR). If SOAHR approves the RFR, a summary is posted on the SOAHR website.
Draft Rules	✓	<ul style="list-style-type: none"> • Board/commission (and department) approves the draft; RAO approves. • SOAHR reviews and approves (legal/policy); rules sent to the Legislative Service Bureau (LSB); rules posted on website. • LSB edits the rules and returns them to SOAHR; SOAHR returns to department/agency for correction.
Public Hearing	✓	<ul style="list-style-type: none"> • Regulatory Impact Statement (the "why" and "\$" document) is approved by the RAO and sent to SOAHR for approval; SOAHR posts it on the website. • Rulemaking Policy Analysis Form is sent to SOAHR. • Public hearing notice and LSB-corrected rules are sent by RAO to SOAHR; rules and notice posted on SOAHR website. • Newspaper ads (hearing notice secured by RAO). • <i>Michigan Register</i> (SOAHR publishes notice and rules). • Court reporter (is secured by RAO). • Public comment period and methods of public participation noted in public hearing notice.
Post-Public Hearing Draft Rules		<ul style="list-style-type: none"> • Board/commission (and department) amends and approves rules. • Department submits to SOAHR for approval. • SOAHR submits the final rules to LSB, and LSB has 21 days to certify the rules for form, classification, and arrangement. • SOAHR legally certifies the rules (and can also certify for form if LSB did not complete the task in 21 days).
Joint Committee on Administrative Rules (JCAR) - The 1-stop in the legislature	✓	<ul style="list-style-type: none"> • The rules must be submitted to JCAR within one year from the public hearing or there must be a subsequent hearing. • JCAR Agency Report summarizes changes made after hearing. • JCAR has 15 legislative session days to meet and object or waive the time limit.
Department/Agency Adopts the Rules	✓	<ul style="list-style-type: none"> • Department director adopts rules; or, the agency or commission adopts if it is a Type I agency/commission. • Rules can be filed by SOAHR with the Great Seal after 15 JCAR session days expire, unless JCAR files a notice of objection, which grants them 15 more session days to pass rules-stopping legislation and present it to the Governor. • SOAHR enters the filing date at the top of the first page of the rules and sends an electronic copy of the final rules to the Office of the Great Seal and the RAO. • The rules may become effective immediately upon filing or at a later date specified in the rules [MCL 24.245a(2)-(5)].

Schedule of Periodic Rule Review

Department/Agency	Rule numbers and rule set title	Frequency of review
Agriculture	All rule sets	Reviewed as necessary
Attorney General	All rule sets	Reviewed as necessary
Civil Rights	All rule sets	Reviewed as necessary
Community Health	All rule sets	DCH reports rules reviewed by bureaus in conjunction with annual regulatory plan.
Corrections	All rule sets	Corrections reports rules reviewed annually in conjunction with annual regulatory plan and review of department directives.
Education	All rule sets	Reviewed as necessary
Energy, Labor, & Economic Growth	[339.23101 – R 339.23405] Real Estate Appraisers	Updated biennially to adopt by reference the Uniform Standards of Professional Appraisal Practice, as required by federal law [title XI of the Financial Institutions Reform, Recovery, and Enforcement Act].
	The following Bureau of Construction Code rules: <ul style="list-style-type: none"> • [R 408.30401 – R 408.30547] Part 4. Michigan Building Code • [R 408.30551 – R 408.30577] Michigan Rehabilitation Code • [R 408.30701 – R 408.30796] Part 7. Michigan Plumbing Code • [R 408.30801 – R 408.30880] Part 8. Michigan Electrical Code • [R 408.30901 – R 408.30998] Part 9a. Michigan Mechanical Code 	MCL 125.1504 of the Stille-Derossett-Hale Construction Act states, in part: (5) The code may incorporate the provisions of a code, standard, or other material by reference. The director shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle.
	The following Bureau of Construction Code rules: <ul style="list-style-type: none"> • [R 408.4001 – R 408.5699] Boiler Rules • [R 408.7001 – R 408.8695] Elevator Rules 	There is no mandate to update these rules; however, the national codes are updated on a 3-year cycle. Hence, by policy, the Bureau updates and adopts the latest national codes on a 3-year cycle.
	Workers' Compensation Agency: <ul style="list-style-type: none"> • [R 418.10101 – R 418.101501] Health Care Services Rules 	These rules are amended annually to adopt by reference federal standards, which also change annually.
	Public Service Commission: <ul style="list-style-type: none"> • [R 484.519 – R 484.571] Telecommunications Basic Local Exchange Service Quality Rules • [R 460.9002] Uniform System of Accounts for Major and Nonmajor Electric Utilities • [R 460.9022] Uniform System of Accounts for Major and Nonmajor Gas Utilities • [R 460.20101 – R 460.20606] Gas Safety Code 	<ul style="list-style-type: none"> • MCL 484.2202(2) of the Michigan Telecommunications Act places a 3-year expiration on the rules. Hence, amended telecommunications rules must be promulgated on a 3-year cycle. • There is no mandate to update the Uniform System of Accounts rules (for electric and gas), and the Gas Safety Code; however, these rule sets adopt federal standards by reference that change frequently. Hence, the PSC intends to amend the rules every 1-5 years.
	All other rule sets	Reviewed as necessary

Department/Agency	Rule numbers and rule set title	Frequency of review
Human Services	<p>All rule sets pursuant to the Child Care Organizations Act (PA 116 of 1973):</p> <ul style="list-style-type: none"> • [R 400.1901 – R 400.1963] Licensing rules for Family and Group Child Care Homes • [R 400.5101 – R 400.5940] Licensing Rules for Child Care Centers • [R 400.4101 – 400.4666] Child Caring Institutions • [R 400.9101 – R 400.9506] Foster Family Homes and Foster Family Group Homes • [R 400.10101 – R 400.10639] Juvenile Court-Operated Facilities • [R 400.11101 – R 400.11319] Children's and Adult Foster Care Camps • [R 400.12101 – R 400.12713] Child Placing Agencies 	MCL 722.112(5): Rules once promulgated are subject to major review by an ad hoc committee not less than once every 5 years and shall be reviewed biennially by the department.
	All other rule sets	Reviewed as necessary
Military and Veterans Affairs	All rule sets	Reviewed as necessary
Natural Resources and Environment	<p>The following Water Bureau rules:</p> <ul style="list-style-type: none"> • [R 323.1041 – R 323.1117] Part 4. Water Quality Standards • [R 323.1201 – R 323.1221] Part 8. Water Quality Based Effluent Limit Development for Toxic Substances 	The Federal Clean Water Act (Section 303(c)(1)) requires that, at least once every three years, each state water pollution control agency hold a public hearing for the purpose of "reviewing applicable water quality standards and, as appropriate, modifying and adopting standards."
	All other rule sets	Reviewed as necessary
Secretary of State	All rule sets	Reviewed as necessary
State Police	All rule sets	Reviewed as necessary
Technology, Management, & Budget	All rule sets	Reviewed as necessary
Transportation	All rule sets	Reviewed as necessary
Treasury	All rule sets	Reviewed as necessary

Department	Bureau, Division or Agency	Current Number of Rule Sets	Number of Rule Sets Amended in 2009	Number of Rule Sets Amended 2006-2009
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Attachment C

Agriculture (112 rule sets)	Animal Industry	17	0	1
	Environmental Stewardship Division	3	0	0
	Executive Division	6	0	1
	Finance and Technology Division	19	0	3
	Food and Dairy Division	28	1	1
	Laboratory Division	8	3	3
	Pesticide and Plant Pesticide Management Division	31	0	2
Attorney General (5 rule sets)	Consumer Protection and Charitable Trust Division	5	0	0
Civil Rights (2 rule sets)	Civil Rights Commission	2	0	0
Community Health (135 rule sets)	Budget and Finance	1	0	0
	Bureau of Health Professions	36	4	14
	Bureau of Health Systems	18	1	3
	Health Policy, Regulation, and Professions Administration	6	0	2
	Medical Services Administration	9	0	0
	Mental health and Substance Abuse Administration	23	1	6
	Offices of Services to the Aging	6	0	0
	Public Health Administration	36	3	9
Corrections (2 rule sets)	Bureau of Correctional Facilities	1	0	0
	Executive Bureau	1	0	0
Education (40 rule sets)	State Aid	1	1	1
	State Tenure Commission	1	0	0
	Superintendent of Public Instruction	37	1	14
	Vocational-Technical Education Services	1	0	1
Energy, Labor and Economic Growth (395 rule sets)	Bureau of Commercial Services	28	4	19
	Bureau of Construction Codes	27	0	25
	Bureau of Employment Relations	2	0	0
	Bureau of Fire Services	14	2	2
	Bureau of Workforce Transformation	1	0	0
	Career Education	1	0	2
	MI Commission for the Blind	3	0	0
	Liquor Control Commission	16	2	5
	MI Economic Development Corporation	3	0	0
	MI Employment Security Board	1	0	1
	MI Rehabilitation Services	1	0	0
	MSHDA	2	1	2
	MI Tax Tribunal	2	1	1
	MIOSHA	173	3	19
	Office of Financial and Insurance Regulation	58	0	6
	Office of Policy and Legislative Affairs	1	0	0

Department	Bureau, Division or Agency	Current Number of Rule Sets	Number of Rule Sets Amended in 2009	Number of Rule Sets Amended 2006-2009
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	MI Public Service Commission	38	6	19
	State Office of Administrative Hearings and Rules	12	4	11
	Unemployment Insurance Agency	3	0	1
	Wage and Hour Division	4	0	2
	Worker's Compensation Appellate Commission	1	0	2
	Workers Compensation Board of Magistrates	1	0	1
	Workers' Compensation Agency	3	1	6
Human Services (31 rule sets)	Child and Family Services Administration	4	0	0
	Family Independence Services Administration	7	0	0
	Office of Children and Adult Licensing	18	2	6
	Office of Legal Affairs	2	0	0
Military and Veterans Affairs (10 rule sets)	Office of the Director and Adjutant General	7	0	1
	Veterans' Trust Fund Board of Trustees	3	0	1
Natural Resources and Environment (149 rule sets)	General	1	0	0
	Air Quality Division	16	7	23
	Environmental Science and Services Division	7	0	2
	Fisheries	19	0	0
	Forest, Mineral, & Fire Management	8	0	1
	Land & Water Management Division	11	0	3
	Law Enforcement Division	15	0	3
	Office of Geological Survey	4	0	2
	Office of Administrative Hearings	2	0	0
	Parks and Recreation	4	0	0
	Real Estate	5	0	0
	Remediation & Redevelopment Division	11	0	0
	Waste & Hazardous Materials Division	16	0	5
	Water Bureau	25	1	8
	Wildlife	5	2	3
Secretary of State (28 rule sets)	State Board of Canvassers	2	0	0
	Bureau of Branch Office Services	4	0	0
	Bureau of Department Services	2	0	0
	Bureau of Driver and Vehicle Records	5	0	0
	Bureau of Elections	5	0	0
	Bureau of Legal Services	1	0	0
	Bureau of Regulatory Services	7	0	0
	Driver License Appeal Division	1	0	0
	Office of Customer Services	1	0	0
State Police (15 rule sets)	Criminal Justice Information Center	2	2	3
	Emergency Management and	2	0	0

Department	Bureau, Division or Agency	Current Number of Rule Sets	Number of Rule Sets Amended in 2009	Number of Rule Sets Amended 2006-2009
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	Homeland Security Division			
	Forensic Science Division	2	0	0
	MI Commission on Law Enforcement Standards	3	1	6
	Traffic Safety Division	6	0	2
Technology, Management, and Budget (13 rule sets)	General	2	0	2
	Director's Office	1	0	0
	Local Government Claims Review Board	1	0	0
	Office of Property Services	4	0	1
	Public School Employees' Retirement Board	1	0	0
	Purchasing Division	1	0	0
	State Employees' Retirement Board	1	0	1
	Civil Service Commission	2	0	1
	Aeronautics Commission	4	0	0
	Bureau of Finance	1	1	1
Transportation (23 rule sets)	Bureau of Highway Development	10	0	1
	Bureau of urban and Public Transportation	8	0	0
	Bureau of Bond Finance	1	0	1
	Bureau of Local Government Services	5	1	2
Treasury (50 rule sets)	Bureau of State Lottery	2	2	4
	Bureau of Tax & Economic Policy	5	0	0
	Customer Service Bureau	5	0	0
	Financial Services Bureau	1	0	0
	Michigan Gaming Control Board	16	2	4
	Student Financial Services Bureau	15	1	3
TOTALS		1,010	61	275

Additional statistics:

- Of a total of **1,010** current rule sets, on average, **69** rule sets are amended annually, which equates to **6.8%** of all rule sets being reviewed annually.
- Of a total of **1,010** current rule sets, on average, **345** rule sets are amended in **five years**, which equates to **34.1%** of all rule sets being reviewed every five (5) years.
- On average, **666 rule sets** have remained unchanged in **five years**, many of which have remained unchanged since they were originally codified.



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What's New at SOAHR

- [Central Panel Directors' Conference October 6-9, 2010 Mackinaw Island](#)
- [Search SOAHR Assistance Cases](#)
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State Administrative Board Review Request

- [The State Administrative Board, by Resolution 2007-1](#)
Now requires all requests for Board approval for personal service Hearing Officer contracts to be first reviewed by the State Office of Administrative Hearings & Rules. [A checklist of what SOAHR expects](#) to find in the letter requesting review.

Overview of SOAHR

- [Using the Administrative Code](#)
The Michigan Administrative Code is a compilation of all adopted rules and regulations that are in effect in the State of Michigan. Each rule has been assigned a rule number, which appears at the beginning of each rule in the text of the Code. > [More](#)
- [Using Recent & Pending Rule Changes](#)
There are three ways to view proposed changes to Michigan Administrative Code. Users can view a list of rules chronologically organized by the year in which the Michigan department or agency proposed the rule and the particular rule's assigned identification number. Users can view a list of proposed rules organized by the Michigan department or agency proposing them. Finally, users can view a list ... > [More](#)

History of SOAHR

- [SOAHR - Creating a Streamlined, Accessible Rulemaking Process](#)
Executive Order (E.O.) 2005-1 created the State Office of Administrative Hearings and Rules (SOAHR), effective March 27, 2005, as a Type I Agency and Appointing Authority with budgetary and management assistance within the Michigan Department of Energy, Labor & Economic Growth (DLEG). The EO transferred most of the state's administrative hearing authority into SOAHR, with specific exceptions such a ... > [More](#)

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Overview of Finding Administrative Code

- **Methods to Search SOAHR Administrative Code**
There are two ways to view proposed changes to Michigan Administrative Code available on the State Office of Administrative Hearings and Rules website. Users can view the Michigan Administrative Code organized by the department and numerically.

Department

- **Select the Department**

If you know the Michigan Department or Agency Administrative rule or proposed rule change, you can access the information using the "Department Index" or the "Search by Department" links. Under each department, a list of all relevant administrative code sections can be found for that department.

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Numeric Range

- **Select by Numeric Range**

If you know the Michigan Department or Agency proposing a rule change, you can access the information using the "Department Index" or the "Search by Department" links. Under each department, a list of all of the administrative code can be found for that department.


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DEPARTMENT OF TRANSPORTATION

BUREAU OF HIGHWAY DEVELOPMENT

LOCAL BRIDGE PROGRAM

(By authority conferred on the department of transportation by 1951 PA 51, MCL 247.660 and 247.661b)

R 247.151 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007

R 247.152 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.153 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.154 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.155 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.156 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.161 Definitions.

Rule 1. (a) "Bridge" means a structure with a total clear span of at least 20 feet measured along the centerline of the roadway over a stream, watercourse, or opening. For a span bridge, this means that the clear opening span, measured face-to-face of the inside of the abutments, is 20 feet or greater. Multi-unit culverts are considered bridges if the total length as measured along the centerline of the roadway is at least 20 feet

and if the distance between the culvert units is less than half the diameter of the smallest unit.

(b) "Department" means the Michigan department of transportation.

(c) "Highway authority" means a county road commission, a city, or a village.

(d) "Local bridge advisory board" means the statewide board, as defined in 2004 PA 384, MCL 247.660.

(e) "Local bridge program" means a program established for reconstruction, replacement, rehabilitation, and preventative maintenance of bridges under the jurisdiction of counties, cities, and villages.

(f) "Multi-year plan" means a list of bridge projects expected and planned to be placed under contract in a multi-year period.

(g) "Regional bridge council" means the council representing one of the regions within the state. The councils and the regions are as defined in 2004 PA 384, MCL 247.660.

History: 2007 MR 14, Eff. July 17, 2007.

R 247.162 Procedure; annual listing.

Rule 2. (1) The local bridge advisory board, in cooperation with the department, shall develop such procedural guides and processes as are required to administer the local bridge program.

(2) The regional bridge councils, in cooperation with the local bridge advisory board, shall develop a multi-year bridge plan for each of the regions in the state.

History: 2007 MR 14, Eff. July 17, 2007.

R 247.163 Eligibility; priority.

Rule 3. (1) In the preparation of a list of bridge projects, the local bridge advisory board and the regional bridge councils shall take into account the following factors:

(a) Present and future importance of the bridge to the highway, road, or street network of which it is a part, and the importance of the highway, road, or street network to the area.

(b) Inadequate load carrying capacity calculated in accordance with methods prescribed by the department.

(c) Financial obligation and funding capacity of the highway authority in relation to its highway system and needs.

(2) In the determination of priority for funding, the local bridge advisory board and the regional bridge councils shall give priority to a bridge which has inadequate load carrying capacity and where the highway authority is severely limited in ability to improve the bridge through use of other funds.

History: 2007 MR 14, Eff. July 17, 2007.

R 247.164 Letting of projects; performance of construction engineering.

Rule 4. (1) Local agency bridge projects, funded through the local bridge program, shall be let to contract by the department under the following conditions:

(a) The highway authority has secured department approval of plans, specifications, and estimated costs for the proposed work. The plans shall have been prepared by a qualified engineer registered to practice professional engineering in Michigan.

(b) The highway authority has adequate funds available, in addition to

local bridge funds, to complete the bridge work.

(2) The department shall award and administer the construction contract unless the federal highway administration has otherwise authorized the contract to be let by the local agency.

(3) The construction engineering may be done by the engineering staff of the highway authority or by the engineer consultant retained by the highway authority.

(4) Funds from the local bridge program shall be used for participating construction costs. The costs of preliminary engineering, construction engineering, and right of way acquisition are not paid from the local bridge fund.

History: 2007 MR 14, Eff. July 17, 2007.

R 247.165 Design requirements for bridge projects.

Rule 5. Bridge reconstruction and replacement projects, shall be designed to meet the current American Association of State Highway and Transportation Official's (AASHTO) guidelines as included in "A Policy on Geometric Design of Highways and Streets, 5th Edition" which is available for viewing at the Michigan Department of Transportation, 425 W. Ottawa Street, Lansing, MI 48909 or may be ordered for \$120 (\$100 for AASHTO members) online at www.transportation.org, or by calling (800) 231-3475.

History: 2007 MR 14, Eff. July 17, 2007.

R 247.166 Open meetings.

Rule 6. (a) The local bridge advisory board and regional bridge council meetings shall be made public as required by the open meetings act, 1976 PA 267, MCL 15.261-MCL 15.275.

History: 2007 MR 14, Eff. July 17, 2007.

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(By authority conferred on the department of transportation by 1951 PA 51, MCL 247.660 and 247.661b)

R 247.151 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007

R 247.152 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.153 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.154 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.155 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1954 ACS 100, Eff. Aug. 28, 1979; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

R 247.156 Rescinded.

History: 1954 ACS 79, Eff. May 22, 1974; 1979 AC; rescinded MR 14, Eff. July 17, 2007.

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